

## **REMARKS**

### **I. Status of the Application**

In view of the above amendments and the following remarks, reconsideration of the rejections set forth in the Office Action of February 5, 2010 is respectfully requested.

By this amendment, claims 1 and 2 have been amended and claims 3, 11, 15, and 19 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Claims 1-2, 4, 6-10, 12-14, and 16-18 are now pending in the application. No new matter has been added by these amendments.

### **II. 35 U.S.C. § 112**

On page 3 of the Office Action, claims 15 and 19 are rejected as being indefinite regarding a lack of antecedent basis for the phrase “the first carrier substrate.” While this rejection is moot in view of the cancellation of claims 15 and 19, Applicants also note that lines 1 and 2 of each of those claims introduced “a first carrier substrate,” thereby providing proper antecedent basis. Accordingly, withdrawal of this rejection is respectfully requested.

### **III. Prior Art Rejections**

Currently, claims 1-2, 4, 6-7, 10, 13-14, and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phillips et al. (US 2004/0101676), claims 8, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phillips et al. in view of Kraus et al. (US 2002/0123235), claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Phillips et al. in view of Winnik et al. (US 5,286,286), and claims 3, 11, 15, and 19 stand

rejected under 35 U.S.C. § 103(a) as being unpatentable over Phillips et al. in view of Walter et al. (US 2005/0001038).

It is submitted that the present invention, as defined in the amended claims, is now clearly distinguished over the applied prior art for the following reasons. Claim 1 has been amended to incorporate the limitations of claim 15 and claim 2 has been amended to incorporate the limitations of claim 19. Applicants note that the Walter et al. reference is not available as prior art in the present application because the PCT publication was not in English. (See MPEP 2136.06, "If the international application was filed on or after November 29, 2000, but did not designate the United States or was not published in English under PCT Article 21(2), do not treat the international filing date as a U.S. filing date. In this situation, do not apply the reference as of its international filing date, its date of completion of the 35 U.S.C. 371(c)(1), (2) and (4) requirements, or any earlier filing date to which such an international application claims benefit or priority.") Because both the publication date and the date of completion of the 35 U.S.C. 371(c)(1), (2) and (4) requirements for the Walter reference is after the July 28, 2003 international filing date of the present application, the Walter reference is not available as prior art. Accordingly, because the subject matter of claims 15 and 19 has been incorporated into independent claims 1 and 2, respectively, the prior art rejections set forth in the Office Action have been overcome.

Additionally, an English language translation of the priority document in the present application, A 11912002, is provided with this response in order to antedate WO03/016073, the earlier PCT publication of the Walter et al. reference, as provided for in 37 C.F.R. 1.55(a)(4).

Further, it appears as though there would have been no reason to modify any of the prior art of record to yield a configuration which would meet the requirements of claims 1 and 2. It is

thus submitted that the invention of the present application, as defined in claims 1 and 2, is not anticipated nor rendered obvious by the prior art, and yields significant advantages over the prior art. Allowance is respectfully requested.

Claims 4, 6-10, and 12-14 depend, directly or indirectly, from claim 1 and are thus allowable for at least the reasons set forth above in support of claim 1. Claims 16-18 depend from claim 2 and are thus allowable for at least the reasons set forth above in support of claim 2.

In view of the foregoing amendments and remarks, inasmuch as all of the outstanding issues have been addressed, it is respectfully submitted that the present application is now in condition for allowance, and action to such effect is earnestly solicited. Should any issues remain after consideration of the response, however, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

Friedrich KASTNER et al.

By /Andrew D. St.Clair/

Andrew D. St.Clair  
Registration No. 58,739  
Attorney for Applicants

Digitally signed by /Andrew D. St.Clair/  
DN: cn=/Andrew D. St.Clair/, o, ou,  
email=astclair@wenderoth.com, c=US  
Date: 2010.07.19 14:45:16 -0400

ADS/rgf  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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